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EXAMINER
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LETT, THOMAS J

ART UNIT	PAPER NUMBER
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2625

DATE MAILED: 08/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/808,932	<b>Applicant(s)</b> BABA, KEIZO	
	<b>Examiner</b> Thomas J. Lett	<b>Art Unit</b> 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-64 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 06 June 2006 have been fully considered but they are not persuasive. In the previous amendment filed on 27 July 2005, Applicant amended claims to include a scanner section for scanning a document. Applicant argues that the facsimile PDA of Ukita is a "handheld" and "on-the-run" communications device that one skilled in the art simply would not have looked to Ukita when confronted with the problem of unoccupied time which a user of a scanning-type facsimile device might encounter while waiting for a document to scan or transmit. Examiner maintains that both prior art references are portable facsimile capable devices with wireless connectivity. Ukita displays advertising to a user during stand-by (col. 19, lines 3-56, and see Fig. 7). Since the facsimile device of Ukita lacks the functionality of a scanner, Examiner combined the prior art of Kolls that is a handheld or wireless device 500 with connectivity to a fax machine 604A (col. 16, lines 32-38) to scan documents and displays interactive advertising to a user (col. 38, lines 63-67). Interactive is defined as "of or relating to a program that responds to user activity". The program in this case would be advertising, and the user activity would be related to the use of the facsimile machine or fax transactions.

2. Applicant added new dependent claims 62 and 63 in amendment filed 14 December 2005. Applicant has considered said claims in this Final Action. The finality was based on amended independent claims. The prior art used by the examiner has

not changed in this final Office Action. Claims 1-64 have been considered and examined in this final Office Action.

3. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the addition of Boucher et al (US Pat 5,884,246) is not relied upon for a facsimile apparatus comprising a scanner section, a network interface device, an advertisement information acquiring device, a display device and a displaying control device, wherein advertisements are displayed while a user of the facsimile apparatus is waiting for completion of facsimile tasks.

Boucher et al translates communications transmitted via a communications network. The suggestion to combine arises from the fact that communication between entities occurs. Knowledge generally available to one of ordinary skill in the art suggests that one would make advertising more effective and diverse by making the communication translatable and thus more effective to more users.

4. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention

where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the addition of Boucher et al (US Pat 5,884,246) is not relied upon for a facsimile apparatus comprising a scanner section, a network interface device, an advertisement information acquiring device, a display device and a displaying control device, wherein advertisements are displayed while a user of the facsimile apparatus is waiting for completion of facsimile tasks.

Boucher et al identify the original language based upon the number of each called party and a language translation preference for the information generated by that called party. Thereafter, a connection is established with the called party who is then prompted to enter a language preference for the information generated by the calling party. The suggestion to combine arises from the fact that communication between entities occurs. Knowledge generally available to one of ordinary skill in the art suggests that one would make advertising more effective and diverse by making the communication translatable and thus more effective to more users.

### ***Claim Objections***

5. Claim 44 is objected to because of the following informalities: the phrase “means for control” should be changed to read “means for controlling” (line 8 and line 9). Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-10, 15-24, 28-54, and 58-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ukita et al (USPN 6,622,174 B1) in view of Kolls et al (USPN 6,601,037 B1).

With respect to claim 1, Ukita et al disclose a facsimile apparatus (member terminal 1, col. 8, lines 28-31), comprising:

a network interface device (communication function unit 110, col. 12, lines 19-25) connected to a network (via antenna 111, see Fig. 6) and configured to transmit and receive facsimile data therebetween;

an advertisement information acquiring device (DRAM 123 stores the received facsimile data and the advertisement information, col. 20, lines 13-15) configured to acquire advertisement information from an advertisement server (common server device 2, col. 16, lines 49-56) connected to said network via said network interface device;

a display device (display 105, see Fig. 6) to display the advertisement information (col. 17, lines 57-65) acquired from said advertisement information acquiring device (common server device 2, col. 16, lines 49-56)., and

a displaying control device (system control unit 121, col. 17, lines 59-65).

Ukita et al does not disclose a scanner section for scanning a document, generating image data corresponding to the scanned document to be transmitted, and said displaying control device causes the advertisement information to be displayed when said document is being scanned and said image data is being accumulated.

Kolls discloses a system 500 containing facsimile machines, scanner, and other computing devices integrated as a station col. 3, lines 52-67 including scanner 118 to scan a document to be transmitted. Kolls discloses that advertisements are displayed when a user uses the system 500, col. 23, lines 1-3). Vending equipment of Kolls includes facsimile machines, scanners, copiers (col. 3, lines 59-63). Ukita et al and Kolls are analogous art because they are from the similar problem solving area of displaying advertisements at a facsimile workstation. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the system 500 that integrates a vending PDA feature of Kolls to the PDA of Ukita et al in order to obtain a way to integrate fax communication with displayed advertising. The motivation for doing so would be to allow users to view advertisements while using a fax workstation.

With respect to claim 2, Ukita et al disclose a facsimile apparatus as defined in claim 1, wherein said displaying control device (system control unit 121, col. 17, lines 59-65) controls said display device to display the advertisement information during a time period of transmitting facsimile data (advertisement information can be displayed by the member terminal 1 even during facsimile functions, col. 18, lines 46-54).

With respect to claim 3, Ukita et al disclose a facsimile apparatus as defined in

claim 1, further comprising:

a facsimile data storing device configured to store facsimile data (member terminal 1 receives the received facsimile data and the advertisement information, and stores these in the DRAM 123, col. 20, lines 13-15),

wherein said displaying control device (system control unit 121, col. 17, lines 59-65) controls said display device to display the advertisement information during a time period of storing the facsimile data (advertisement information can be displayed by the member terminal 1 even during facsimile functions, col. 18, lines 46-54).

With respect to claim 4, Ukita et al disclose a facsimile apparatus as defined in claim 1, further comprising:

an outputting device (DRAM 123, col. 20, lines 13-15) configured to output the advertisement information (DRAM 123 outputs the advertisement information to the LCD 105, col. 20, lines 15-19);

an advertisement information output instructing device (system control unit 121, col. 17, lines 59-65) configured to instruct outputting of the advertisement information displayed on said display device (LCD 105, col. 20, lines 15-19); and wherein said displaying control device outputs the advertisement information instructed by said advertisement information output instructing device (system control unit 121, col. 17, lines 59-65) with the outputting device (DRAM 123 outputs the advertisement information to the LCD 105, col. 20, lines 15-19).

With respect to claim 5, Ukita et al disclose a facsimile apparatus as defined in claim 1, further comprising:



an advertisement information facsimile transmission instructing device (communication function unit 110, col. 12, lines 19-25) configured to instruct facsimile transmission of the advertisement information displayed on said display device (the member terminal 1 can make telephone communication with another member terminal 1, col. , lines which inherently indicates that information compatibly displayed on one member terminal can be transmitted by facsimile over the telephone connection to another similar terminal); and

wherein said displaying control device (system control unit 121, col. 17, lines 59-65) transmits by facsimile transmission the advertisement information instructed by said advertisement information facsimile transmission instructing device to a previously set address (if transferring to a member terminal, it is inherent that the address would be previously set).

With respect to claim 6, Ukita et al disclose a facsimile apparatus as defined in claim 1, further comprising:

an advertisement information mail transmission instructing device (communication function unit 110, col. 12, lines 19-25) configured to instruct electronic mail transmission of the advertisement information displayed on said display device (the member terminal 1 can make telephone communication with another member terminal 1, col. 8, lines 61-67) which inherently indicates that information compatibly displayed on one member terminal can be transmitted by facsimile over the telephone connection to another similar terminal. Examiner further notes that member terminal 1 is capable of email transmission of data.); and

wherein said displaying control device (system control unit 121, col. 17, lines 59-65) transmits by electronic mail the advertisement information instructed by said advertisement information mail transmission instructing device to a previously set address (if transferring to a member terminal, it is inherent that the address would be previously set).

With respect to claim 7, Ukita et al disclose a facsimile apparatus as defined in claim 1, wherein said displaying control device (system control unit 121, col. 17, lines 59-65) combines the advertisement information with a communication control report (communication information is added to the reception log of each member terminal, col. 34, lines 24-34)

With respect to claim 8, Ukita et al disclose a facsimile apparatus as defined in claim 1, wherein said displaying control device (system control unit 121, col. 17, lines 59-65) combines the advertisement information with a part of transmission image data (the advertisement information provided by being attached to the received facsimile data, col. 20, lines 7-12).

With respect to claim 9, Ukita et al disclose a facsimile apparatus as defined in claim 1, further comprising:

an outputting device (LCD 105) configured to output the advertisement information; wherein said displaying control device outputs the advertisement information to the outputting device at preset times (member terminal 1 has excellent portability, and allows for provision of various times of information services regardless of time or place, simply by accessing the common server device 2, col. 8, lines 24-27).

With respect to claim 10, Ukita et al disclose a facsimile apparatus as defined in claim 1, wherein said displaying control device (system control unit 121, col. 17, lines 59-65) transmits the advertisement information by electronic mail to a previously set address at preset times (member terminal 1 has excellent portability, and allows for provision of various times of information services regardless of time or place, simply by accessing the common server device 2, col. 8, lines 24-27).

With respect to claim 14, Ukita et al disclose a facsimile apparatus comprising:  
a network interface device (communication function unit 110, col. 12, lines 19-25) connected to a network and configured to transmit and receive (via antenna 111) facsimile data therebetween;

an advertisement information acquiring device (DRAM 123 stores the received facsimile data and the advertisement information, col. 20, lines 13-15) configured to acquire advertisement information from an advertisement server connected to said network via said network interface device (common server device 2, col. 16, lines 49-56);

a display device (display 105) to display the advertisement information acquired from said advertisement information acquiring device; and

a displaying control device configured to control the displaying of the advertisement information, wherein said advertisement information acquiring device acquires the advertisement information from said advertisement server at a constant time interval (member terminal 1 has excellent portability, and allows for provision of

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various times of information services regardless of time or place, simply by accessing the common server device 2, col. 8, lines 24-27).

Claim 15 is a method claim and is rejected for the same reasoning as that of claim 1.

Claim 16 is a method claim and is rejected for the same reasoning as that of claim 2.

Claim 17 is a method claim and is rejected for the same reasoning as that of claim 3.

Claim 18 is a method claim and is rejected for the same reasoning as that of claim 4.

Claim 19 is a method claim and is rejected for the same reasoning as that of claim 5.

Claim 20 is a method claim and is rejected for the same reasoning as that of claim 6.

Claim 21 is a method claim and is rejected for the same reasoning as that of claim 7.

Claim 22 is a method claim and is rejected for the same reasoning as that of claim 8.

Claim 23 is a method claim and is rejected for the same reasoning as that of claim 9.

Claim 24 is a method claim and is rejected for the same reasoning as that of claim 10.

With respect to claim 28, Ukita et al disclose a method as defined in claim 15, wherein the acquiring acquires the advertisement information from said advertisement server at a constant time interval. (member terminal 1 has excellent portability, and allows for provision of various times of information services regardless of time or place, simply by accessing the common server device 2, col. 8, lines 24-27).

With respect to claim 29, Ukita et al disclose a communication system (see computer network system of Fig. 1), comprising:

a network connecting plural terminal devices (plurality of member terminals 1) with transmission paths and transmitting/receiving data between said plural terminal devices through said transmission paths;

an advertisement server (common server device 2, col. 16, lines 49-56) connected to said network; and

a facsimile apparatus including (member terminal 1);

a network interface device (communication function unit 110, col. 12, lines 19-25) connected to said network and capable of transmitting and receiving facsimile data therebetween;

an advertisement information acquiring device (DRAM 123 stores the received facsimile data and the advertisement information, col. 20, lines 13-15) configured to acquire advertisement information from said advertisement server through said network interface device;

a display device (display 105) for displaying the advertisement information (col. 17, lines 57-65) acquired by said advertisement information acquiring device (common server device 2, col. 16, lines 49-56); and

a displaying control device (system control unit 121, col. 17, lines 59-65) configured to control the displaying of the advertisement information, wherein said displaying control device causes the advertisement information to be displayed when said document is being scanned and said image data is being accumulated

Ukita et al does not disclose a scanner section for scanning a document and generating image data corresponding to the scanned document to be transmitted.

Kolls discloses a system 500 containing facsimile machines, scanner, and other computing devices integrated as a station col. 3, lines 52-67 including scanner 118 to scan a document to be transmitted. Kolls discloses that advertisements are displayed when a user uses the system 500, col. 23, lines 1-3). Ukita et al and Kolls are analogous art because they are from the similar problem solving area of displaying advertisements at a workstation. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the system 500 that integrates a PDA feature of Kolls to the PDA of Ukita et al in order to obtain a way to integrate fax communication with displayed advertising. The motivation for doing so would be to allow users to view advertisements while using a workstation.

With respect to claim 30, Ukita et al disclose a facsimile apparatus of claim 1, wherein said network comprises at least one of an ISDN, a LAN, a WAN, and a telephone line (see Fig. 1 and Fig. 3).

With respect to claim 31, Ukita et al disclose a facsimile apparatus of claim 1, wherein said network interface device is configured to transmit data to and receive data from a device over at least one of an ISDN, a LAN, a WAN, and a telephone line (transmission and reception of information occur over a dedicated trunk network 5 which is a network under administration of an ISP (Internet Service Provider). In other words, 5N is the ISP backbone, i.e., a network such as a LAN, and this ISP backbone 5N and the PHS/ISDN network 3n are connected via a PHS 32 Kbit/second transfer speed Japanese industry-standard PIAFS (PHS Internet Access Forum Standard) access point 4P, col. 9, lines 1-7).

With respect to claim 32, Ukita et al disclose a method of claim 15, wherein said network comprises at least one of an ISDN, a LAN, a WAN, and a telephone line (transmission and reception of information occur over a dedicated trunk network 5 which is a network under administration of an ISP (Internet Service Provider). In other words, 5N is the ISP backbone, i.e., a network such as a LAN, and this ISP backbone 5N and the PHS/ISDN network 3n are connected via a PHS 32 Kbit/second transfer speed Japanese industry-standard PIAFS (PHS Internet Access Forum Standard) access point 4P, col. 9, lines 1-7).

With respect to claim 33, Ukita et al disclose a system of claim 29, wherein said network comprises at least one of an ISDN, a LAN, a WAN, and a telephone line (transmission and reception of information occur over a dedicated trunk network 5 which is a network under administration of an ISP (Internet Service Provider). In other words, 5N is the ISP backbone, i.e., a network such as a LAN, and this ISP backbone 5N and

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the PHS/ISDN network 3n are connected via a PHS 32 Kbit/second transfer speed Japanese industry-standard PIAFS (PHS Internet Access Forum Standard) access point 4P, col. 9, lines 1-7).

With respect to claim 34, Ukita et al disclose a system of claim 29, wherein said network interface device is configured to transmit data to and receive data from a device over at least one of an ISDN, a LAN, a WAN, and a telephone line (transmission and reception of information occur over a dedicated trunk network 5 which is a network under administration of an ISP (Internet Service Provider). In other words, 5N is the ISP backbone, i.e., a network such as a LAN, and this ISP backbone 5N and the PHS/ISDN network 3n are connected via a PHS 32 Kbit/second transfer speed Japanese industry-standard PIAFS (PHS Internet Access Forum Standard) access point 4P, col. 9, lines 1-7).

With respect to claim 35, Ukita et al disclose a facsimile apparatus of claim 1, wherein at least a portion of said network is the Internet (transmission and reception of information occur over a dedicated trunk network 5 which is a network under administration of an ISP (Internet Service Provider). In other words, 5N is the ISP backbone, i.e., a network such as a LAN, and this ISP backbone 5N and the PHS/ISDN network 3n are connected via a PHS 32 Kbit/second transfer speed Japanese industry-standard PIAFS (PHS Internet Access Forum Standard) access point 4P, col. 9, lines 1-7).

With respect to claim 36, Ukita et al disclose a method of claim 15, wherein at least a portion of said network is the Internet (transmission and reception of information



occur over a dedicated trunk network 5 which is a network under administration of an ISP (Internet Service Provider). In other words, 5N is the ISP backbone, i.e., a network such as a LAN, and this ISP backbone 5N and the PHS/ISDN network 3n are connected via a PHS 32 Kbit/second transfer speed Japanese industry-standard PIAFS (PHS Internet Access Forum Standard) access point 4P, col. 9, lines 1-7).

With respect to claim 37, Ukita et al disclose a system of claim 29, wherein at least a portion of said network is the Internet (transmission and reception of information occur over a dedicated trunk network 5 which is a network under administration of an ISP (Internet Service Provider). In other words, 5N is the ISP backbone, i.e., a network such as a LAN, and this ISP backbone 5N and the PHS/ISDN network 3n are connected via a PHS 32 Kbit/second transfer speed Japanese industry-standard PIAFS (PHS Internet Access Forum Standard) access point 4P, col. 9, lines 1-7).

With respect to claim 38, Ukita et al disclose a facsimile apparatus of claim 30, wherein at least a portion of said ISDN, LAN, WAN, and telephone line is the Internet (transmission and reception of information occur over a dedicated trunk network 5 which is a network under administration of an ISP (Internet Service Provider). In other words, 5N is the ISP backbone, i.e., a network such as a LAN, and this ISP backbone 5N and the PHS/ISDN network 3n are connected via a PHS 32 Kbit/second transfer speed Japanese industry-standard PIAFS (PHS Internet Access Forum Standard) access point 4P, col. 9, lines 1-7).

With respect to claim 39, Ukita et al disclose a facsimile apparatus of claim 31, wherein at least a portion of said ISDN, LAN, WAN, and telephone line is the Internet

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(transmission and reception of information occur over a dedicated trunk network 5 which is a network under administration of an ISP (Internet Service Provider). In other words, 5N is the ISP backbone, i.e., a network such as a LAN, and this ISP backbone 5N and the PHS/ISDN network 3n are connected via a PHS 32 Kbit/second transfer speed Japanese industry-standard PIAFS (PHS Internet Access Forum Standard) access point 4P, col. 9, lines 1-7).

With respect to claim 40, Ukita et al disclose a method of claim 32, wherein at least a portion of said ISDN, LAN, WAN, and telephone line is the Internet (transmission and reception of information occur over a dedicated trunk network 5 which is a network under administration of an ISP (Internet Service Provider). In other words, 5N is the ISP backbone, i.e., a network such as a LAN, and this ISP backbone 5N and the PHS/ISDN network 3n are connected via a PHS 32 Kbit/second transfer speed Japanese industry-standard PIAFS (PHS Internet Access Forum Standard) access point 4P, col. 9, lines 1-7).

With respect to claim 41, Ukita et al disclose a system of claim 33, wherein at least a portion of said ISDN, LAN, WAN, and telephone line is the Internet (transmission and reception of information occur over a dedicated trunk network 5 which is a network under administration of an ISP (Internet Service Provider). In other words, 5N is the ISP backbone, i.e., a network such as a LAN, and this ISP backbone 5N and the PHS/ISDN network 3n are connected via a PHS 32 Kbit/second transfer speed Japanese industry-standard PIAFS (PHS Internet Access Forum Standard) access point 4P, col. 9, lines 1-7).

With respect to claim 42, Ukita et al disclose a system of claim 34, wherein at least a portion of said ISDN, LAN, WAN, and telephone line is the Internet (transmission and reception of information occur over a dedicated trunk network 5 which is a network under administration of an ISP (Internet Service Provider). In other words, 5N is the ISP backbone, i.e., a network such as a LAN, and this ISP backbone 5N and the PHS/ISDN network 3n are connected via a PHS 32 Kbit/second transfer speed Japanese industry-standard PIAFS (PHS Internet Access Forum Standard) access point 4P, col. 9, lines 1-7).

With respect to claim 43, Ukita et al disclose a facsimile apparatus (member terminal 1, col. 8, lines 28-31), comprising:

means for connecting (communication function unit 110, col. 12, lines 19-25) to a network (via antenna 111) and for transmitting and receiving facsimile data therebetween (facsimile, emails, advertisements, and other data are received amongst devices on the network, col. 8, lines 49-58);

means for acquiring advertisement information (DRAM 123 stores the received facsimile data and the advertisement information, col. 20, lines 13-15) from an advertisement server (common server device 2, col. 16, lines 49-56) connected to said network via said connecting means;

means for displaying (display 105, col. 17, lines 57-65) the advertisement information acquired from said advertisement information acquiring means (DRAM 123);  
and

means for controlling (system control unit 121, col. 17, lines 59-65) the displaying of the advertisement information, wherein said means for controlling causes the advertisement information to be displayed when said document is being scanned and said image data is being accumulated.

Ukita et al does not disclose a scanner section for scanning a document and generating image data corresponding to the scanned document to be transmitted.

Kolls discloses a system 500 containing facsimile machines, scanner, and other computing devices integrated as a station col. 3, lines 52-67 including scanner 118 to scan a document to be transmitted. Kolls discloses that advertisements are displayed when a user uses the system 500, col. 23, lines 1-3). Ukita et al and Kolls are analogous art because they are from the similar problem solving area of displaying advertisements at a workstation. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the system 500 that integrates a PDA feature of Kolls to the PDA of Ukita et al in order to obtain a way to integrate fax communication with displayed advertising. The motivation for doing so would be to allow users to view advertisements while using a workstation.

With respect to claim 44, Ukita et al disclose a communication system, comprising:

a network (see network of Fig. 1) connecting plural terminal devices (connection of several member terminals 1, contents providing device 11, and communications terminal 10) and transmitting/receiving data between said plural terminal devices

(facsimile, emails, advertisements, and other data are received amongst these devices, col. 8, lines 49-58);

an advertisement server (common server device 2, col. 16, lines 49-56)  
connected to the network; and

a facsimile apparatus (member terminal 1) including;  
means for connecting (communication function unit 110, col. 12, lines 19-25) to  
said network and for transmitting and receiving facsimile data therebetween;

means for acquiring advertisement information from said advertisement server  
(common server device 2, col. 16, lines 49-56) through said connecting means;

means for displaying (display 105, col. 17, lines 57-65) the advertisement  
information acquired by said advertisement information acquiring means (DRAM 123);  
and

means for controlling (system control unit 121, col. 17, lines 59-65) the displaying  
of the advertisement information, wherein said means for controlling causes the  
advertisement information to be displayed when said document is being scanned and  
said image data is being accumulated.

Ukita et al does not disclose a scanner section for scanning a document and  
generating image data corresponding to the scanned document to be transmitted.  
Kolls discloses a system 500 containing facsimile machines, scanner, and other  
computing devices integrated as a station col. 3, lines 52-67 including scanner 118 to  
scan a document to be transmitted. Kolls discloses that advertisements are displayed  
when a user uses the system 500, col. 23, lines 1-3). Ukita et al and Kolls are

analogous art because they are from the similar problem solving area of displaying advertisements at a workstation. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the system 500 that integrates a PDA feature of Kolls to the PDA of Ukita et al in order to obtain a way to integrate fax communication with displayed advertising. The motivation for doing so would be to allow users to view advertisements while using a workstation.

With respect to claim 45, Ukita et al disclose a computer program product (ROM 122 storing control programs, col. 12, lines 58-67), comprising:

a computer readable medium encoded with computer readable instructions that, when executed by a processor or a facsimile apparatus, implement on said facsimile apparatus (ROM 122 storing control programs, col. 12, lines 58-67),

an advertisement information acquiring mechanism configured to acquire advertisement information from an advertisement server connected to a network through said network (ROM 122 storing control programs, col. 12, lines 58-67) at a constant time interval (col. 7, lines 34-38 and col. 8, lines 25-27); and

a displaying mechanism (LCD 105, col. 12, line 52) configured to display the acquired advertisement information on a display device of the facsimile apparatus (ROM 122 storing control programs, col. 12, lines 58-67).

Claim 46 is a product claim and is rejected for the same reasoning as that of claim 2.

Claim 47 is a product claim and is rejected for the same reasoning as that of claim 3.

Claim 48 is a product claim and is rejected for the same reasoning as that of claim 4.

Claim 49 is a product claim and is rejected for the same reasoning as that of claim 5.

Claim 51 is a product claim and is rejected for the same reasoning as that of claim 7.

Claim 52 is a product claim and is rejected for the same reasoning as that of claim 8.

Claim 53 is a product claim and is rejected for the same reasoning as that of claim 9.

Claim 54 is a product claim and is rejected for the same reasoning as that of claim 10.

Claim 59 is a product claim and is rejected for the same reasoning as that of claim 30.

Claim 60 is a product claim and is rejected for the same reasoning as that of claim 38.

Claim 61 is a product claim and is rejected for the same reasoning as that of claim 35.

With respect to claim 62, Ukita et al do not disclose that the advertisement information is displayed on the display device while the document is being scanned by the scanning device.

Kolls discloses a system 500 containing facsimile machines, scanner, and other

computing devices integrated as a station col. 3, lines 52-67 including scanner 118 to scan a document to be transmitted. Kolls discloses that advertisements are displayed when a user uses the system 500, col. 23, lines 1-3). Vending equipment of Kolls includes facsimile machines, scanners, copiers (col. 3, lines 59-63). Ukita et al and Kolls are analogous art because they are from the similar problem solving area of displaying advertisements at a facsimile workstation. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the system 500 that integrates a vending PDA feature of Kolls to the PDA of Ukita et al in order to obtain a way to integrate fax communication with displayed advertising. The motivation for doing so would be to allow users to view advertisements while using a fax workstation.

With respect to claim 63, Ukita et al do not disclose that the display of the advertisement information on the display device is terminated upon completion of transmission of the document by the facsimile apparatus.

Kolls teaches of an interactive system 500 containing facsimile machines, scanner, and other computing devices integrated as a station col. 3, lines 52-67 including scanner 118 to scan a document to be transmitted. Kolls discloses that advertisements are displayed when a user uses the system 500, col. 23, lines 1-3). Vending equipment of Kolls includes facsimile machines, scanners, copiers (col. 3, lines 59-63). Interactive is defined as "of or relating to a program that responds to user activity". The program in this case would be advertising, and the user activity would be related to the use of the facsimile machine or fax transactions. Thus, a user can choose to terminate the display of advertisement(s) after document transmission. Ukita et al



and Kolls are analogous art because they are from the similar problem solving area of displaying advertisements at a facsimile workstation. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the system 500 that integrates a vending PDA feature of Kolls to the PDA of Ukita et al in order to obtain a way to integrate fax communication with displayed advertising. The motivation for doing so would be to allow users to view advertisements while using a fax workstation.

With respect to claim 64, Ukita et al disclose a facsimile apparatus of claim 1, further comprising an operator sensor (switch SW associated with the opening of a lid 101 which causes system control unit 121 to controls the member terminal 1 as an information communication terminal, facsimile communication terminal, or electronic mail communication terminal, col. 12, lines 30-40), wherein said control device causes the advertisement information to be displayed on said display device when said operator sensor detects that an operator is at or near said facsimile apparatus (Examiner reads the opening of the lid 101 as a sensor that functions as a user proximity sensor).

7. Claims 11,12, 25, 26, 55, 56, and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ukita et al (USPN 6,622,174 B1) in view of Kolls et al (USPN 6,601,037 B1) and further in view of Eslambolchi et al (USPN 5,875,422).

Regarding claims 11 and 12, Ukita et al in view of Kolls et al (USPN 6,601,037 B1) do not disclose said displaying control device specifies a transmission destination country from a telephone number of a facsimile transmission address; and

wherein said displaying control device combines the advertisement information in a language of the specified country with the part of transmission image data.

Eslambolchi et al disclose a translating unit for translating audio and text data to identify the original language based upon the number of each called party and a language translation preference for the information generated by that called party. Thereafter, a connection is established with the called party who is then prompted to enter a language preference for the information generated by the calling party.

Ukita et al in view of Kolls et al and Eslambolchi et al are analogous art because they are from the similar problem solving area of message communication. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the feature of translation feature of Eslambolchi et al to Ukita et al in view of Kolls et al in order to obtain a way to translate the message to effectively advertise a product. The motivation for doing so would be to convey a message to a user of a different language.

Claim 25 is a method claim and is rejected for the same reasoning as that of claim 11.

Claim 26 is a method claim and is rejected for the same reasoning as that of claim 12.

Claim 55 is a product claim and is rejected for the same reasoning as that of claim 12.

Claim 56 is a product claim and is rejected for the same reasoning as that of claim 12.

Claim 57 is a product claim and is rejected for the same reasoning as that of claim 11.

8. Claims 13 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ukita et al (USPN 6,622,174 B1) in view of Kolls et al (USPN 6,601,037 B1) and further in view of Boucher et al (US Pat 5,884,246).

Regarding claim 13, Ukita et al in view of Kolls et al do not disclose displaying control device specifies a transmission destination country from an electronic mail address of electronic mail transmission; and wherein said displaying control device transmits the advertisement information in a language of the specified country.

Boucher et al disclose a translation machine 136 that determines the language which the message is to be translated into (Step 230 in FIG. 3C). The translation machine 136 determines the country which is the destination of the translated message by the two letter country indicating top level domain and performs a translation into a preselected language in accordance with the top level domain (col 12, lines 10-14). Ukita et al in view of Kolls et al and Boucher et al are analogous art because they are from the similar problem solving area of message communication based on message information. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the feature of Boucher et al to Ukita et al in view of Kolls et al in order to obtain a way to translate the combined message to effectively advertise a product. The motivation for doing so would be to convey a message to a user of a different language.

Claim 27 is a method claim and is rejected for the same reasoning as that of claim 13.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Motoyama et al (USPN 6,785,711 B1) display advertising messages while the transmitting device is in an idle state.

Petrecca et al (USPN 5,781,894) allows sponsors to present commercials to computer devices while users are waiting.

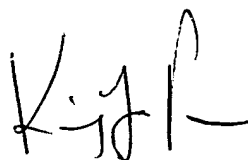
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Lett whose telephone number is (571) 272-7464. The examiner can normally be reached on 7-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (571) 272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TJL



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